



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF W-&C-, P.C.

DATE: OCT. 10, 2019

MOTIONS ON ADMINISTRATIVE APPEALS OFFICE DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, an accounting firm, seeks to employ the Beneficiary as an accountant. It requests his classification under the second-preference, immigrant category as a member of the professions holding an advanced degree. *See* Immigration and Nationality Act (the Act) section 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A). This employment-based, “EB-2” category allows a U.S. business to sponsor a foreign national for lawful permanent resident status to work in a job requiring at least a master’s degree, or a bachelor’s degree followed by five years of experience.

The Director of the Texas Service Center denied the petition. On appeal, we affirmed the decision, agreeing that the Petitioner did not demonstrate its required ability to pay the proffered wage of the offered position in 2017, the year of the petition’s priority date. *See Matter of W-&C-, P.C.*, ID# 4635336 (AAO May 16, 2019).

The matter is before us again on the Petitioner’s motions to reopen and reconsider. The Petitioner submits additional evidence. It also asserts that we did not properly consider the totality of the circumstances, its president’s willingness to forego compensation to pay the proffered wage, and its reasonable expectation of increased profits.

The motion to reopen demonstrates the Petitioner’s ability to pay the proffered wage in 2017. Specifically, the Petitioner submits additional evidence that its president, the sole shareholder of the personal services corporation, had the flexibility to forego a portion of his compensation that year to pay the proffered wage. Because we will grant the motion to reopen, the motion to reconsider is moot.

**ORDER:** The motion to reopen is granted and the appeal is sustained.

Cite as *Matter of W-&C-, P.C.*, ID# 6583992 (AAO Oct. 10, 2019)